

3. The defendant is aware of the nature of the charges and the potential consequences of the guilty plea;
4. The defendant has knowingly and voluntarily entered into the plea agreement which was disclosed in open court;
5. The plea of guilty is knowing, voluntarily and has an appropriate factual basis.

In light of the foregoing, **IT IS HEREBY RECOMMENDED THAT** the district judge enter an order adjudging the defendant guilty of knowingly, intentionally and voluntarily committing criminal offenses in violation of 18: U.S.C. § 371.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States Magistrate Judge

Dated: September 30, 2011

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ORDER
Approved
/kin f
10/5/11

FILED
SCRANTON

OCT 05 2011

Per M. S. P.
DEPUTY CLERK

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
v.	:	3:CR-11-197
RAFAEL RAMIREZ-DE LA LUZ	:	(KOSIK, D.J.)
Defendant	:	(MANNION, M.J.)

REPORT AND RECOMMENDATION¹

By order dated September 19, 2011, the above captioned case was referred to the undersigned for a felony change of plea hearing. (Doc. No. 41). The defendant, together with counsel for the parties, appeared before the undersigned on September 30, 2011, and the defendant consented, in writing, to proceed before a United States Magistrate Judge for the purpose of entering a plea of guilty in a felony case. (Doc. No. 43).

At the hearing, the court advised the defendant of his rights and conducted a full guilty plea colloquy pursuant to Federal Rule of Criminal Procedure 11. A pre-sentence report was ordered.

As a result of the above, the undersigned finds that:

1. The defendant is competent to enter a plea of guilty;
2. The defendant understands his constitutional and procedural rights;

¹For the convenience of the reader of this document in electronic format, hyperlinks to the court's record and to authority cited have been inserted. No endorsement of any provider of electronic resources is intended by the court's practice of using hyperlinks.